IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1007 of 2005

Between:

Y.Sudhakar Reddy, S/o.Ram Reddy, Age:38 Yrs., Occ:F.P.Shop Dealer, Bollavaram Village, Muppala Mandal, Guntur District.

..... PETITIONER

AND

1. The Joint Collector, Guntur, Guntur Dist.
2. The Revenue Divisional Officer, Guntur, Guntur District.
3. The Mandal Revenue Officer, Muppala Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in rejecting the stay petition of the petitioner vide order dated 24-11-2004 and in not disposing of the appeal pending before in File No.56/2004-S7 which was filed against the order of suspension passed by the second respondent in Rc.No.5728/2004-B, dated 16-10-2004 illegal, arbitrary, improper and against the principles of natural justice.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner is the dealer of a fair price shop of Bollavaram village of Muppalla mandal, Guntur district. The Deputy Tahasildar (Civil Supplies) inspected his shop on 14.10.2004 and noticed certain irregularities. On the basis of the same, he initiated proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') before the first respondent on the one hand and on the other forwarded a report of the same to the second respondent. The second respondent, in turn, took the report into account and suspended the authorization of the petitioner through his order dated 16.10.2004. On the same day, he issued a show cause notice to the petitioner directing him to explain as to why suitable action should not be taken on account of the irregularities noticed by the Deputy Tahasildar. The petitioner preferred an appeal, together with an application for stay before the Joint Collector, Guntur, the first respondent, aggrieved by the order of suspension. The first respondent rejected the application for stay through his order dated 24.11.2004. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The second respondent suspended the authorization of the petitioner, pending enquiry. He has also issued a show cause notice to the petitioner. As of now, no procedural error can be said to have crept into the proceedings initiated by the second respondent. On behalf of the petitioner, it is contended that the action of the second respondent in placing the petitioner under suspension, solely on the basis of initiation of proceedings under Section 6-A of the Act, cannot be sustained. Reliance is placed on a Judgment of this Court in *Md. Saleem v. The Revenue Divl. Officer, Bodhan*. This Court held that suspension of an authorization of a dealer exclusively on the ground that proceedings under Section 6-A of the Act were initiated could not be sustained. It was also observed that appointing authority has to independently assess the matter.

A perusal of the order of suspension passed against the petitioner discloses that apart from referring to the factum of initiation of proceedings under Section 6-A of the Act, the second respondent had referred to the nature of irregularities said to have been committed by the petitioner as well as the gravity thereof. Therefore, the ratio laid down by this Court in the Judgment referred to above does not apply to the facts of the present case. Hence, no exception can be taken to the rejection of the application for stay by the first respondent. Inasmuch as the first respondent happens to be the authority, before whom the proceedings under Section 6-A of the Act are initiated as well as the appellate authority against the order of suspension, he can be permitted to dispose of both the proceedings together, with reasonable amount of expedition.

Hence, the writ petition is disposed of directing that the first respondent shall deal with the proceedings under Section 6-A of the Act and the appeal preferred by the petitioner, together, and pass appropriate orders therein, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

28.01.2005

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To

1. The Joint Collector, Guntur, Guntur Dist.
2. The Revenue Divisional Officer, Guntur, Guntur District.
3. The Mandal Revenue Officer, Muppala Mandal, Guntur District.
4. Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad, (OUT).
5. Two C.D. Copies.